THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.24540 of 2005

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Dated:29.11.2005

Between:

D. Basi Reddy, S/o Nagi Reddy,
R/o Chinna Malkapuram, Dhone Mandal, Kurnool District

..... PETITIONER

AND

The Director of Mines and Geology, BRKR Buildings, Tank Bund,

Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.24540 of 2005

ORDER:

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One D.Subba Reddy obtained mining lease for Limestone in Malakapuram Village under three Government Orders dated 19.05.1994, 04.03.1997 and 08.02.1999. The lease was for a period of twenty years. He died on 30.04.2002. The fifth respondent herein who is the wife of late Subba Reddy made an application for transfer of lease in her favour under Rule 37 of the Mineral Concession Rules, 1960. The same was sanctioned, presumably, with the consent of all other legal heirs concerned. It appears, on 07.07.2005 the fifth respondent gave a notice of closure of mining lease to the second respondent, who did not accept the closure. In the meanwhile, the sixth respondent, who is the wife of the deceased son of late Subba Reddy, gave a representation on 06.05.2005 requesting to transfer the lease in her favour, and the same, it appears, has been forwarded by the second respondent to the first respondent. The petitioner alleges that having come to know about the same, he also made a representation on 10.05.2005. The petitioner alleges that Subba

Reddy, the petitioner and the son of Subba Reddy i.e., D.Sivasankar Reddy, constituted Hindu Joint Family, and therefore, he also has a right in the mining lease as a legal heir. Be that as it is, as the representation dated 10.05.2005 was allegedly not considered by the second respondent, nor forwarded to the first respondent, the present writ petition is filed seeking a direction to the respondents to ignore the mine closure notice issued by the fifth respondent and renew the mining lease in the name of the petitioner.

At the stage of preliminary hearing itself, the learned Assistant Government Pleader for Industries obtained instructions from respondent No.2. He submits that the petitioner never approached the second respondent, nor made a representation on 10.05.2005. This is however, disputed and denied by the learned Counsel for the petitioner.

In the above background, it is not possible to decide whether the representation was given by the petitioner or not. However, liberty is given to the petitioner to approach the second respondent, if he is so entitled for grant of mining lease, for being considered in accordance with law.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

29.11.2005

vs